

**Robbins Geller
Rudman & Dowd LLP**

Boca Raton
Chicago
Manhattan

Melville
Nashville
Philadelphia

San Diego
San Francisco
Washington, D.C.

David W. Mitchell
davidm@rgrdlaw.com

November 22, 2022

VIA ECF

Honorable P. Kevin Castel
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Courtroom 11D
New York, NY 10007-1312

Application Granted.

So Ordered:


Hon. P. Kevin Castel, U.S.D.J.

Re: *In re Google Advertising Antitrust Litig.*,
No. 1:21-md-3010 (PKC) (S.D.N.Y.)

Dear Judge Castel:

We write in connection with the Court's order granting the Newspaper Plaintiffs' motion for leave to file an amended complaint. *See* Pre-Trial Order No. 4, ECF 392. The Newspaper Plaintiffs' motion covered 24¹ of the 25 actions filed by the various newspaper ownership groups represented by the undersigned counsel. As noted in their moving papers, at the time of the Newspaper Plaintiffs' motion, the 25th action, *Appen Media Group, Inc. v. Google LLC*, No. 1:22-cv-02905 (N.D. Ga.), was in MDL procedural limbo, as Conditional Transfer Order ("CTO") No. 8 had been finalized, but the case had not yet been formally transferred to these MDL proceedings. *See* Memorandum of Law in Support of the Newspaper Plaintiffs' Joint Motion for Leave to Amend, ECF 328 at 1 n.1.

Now that *Appen Media* has been transferred to this Court,² we respectfully request that the Court allow Plaintiff Appen Media Group ("Appen Media") to join the amended complaint to be filed by the Newspaper Plaintiffs, thereby combining all 25 of the Newspaper Plaintiffs represented by the undersigned counsel into a single pleading.³ Defendants Google LLC ("Google") and Meta Platforms, Inc. do not oppose Appen Media's request.

¹ *See* Schedule of Cases, ECF 328-1.

² *See In re Google Digital Advertising Antitrust Litig.*, MDL No. 3010, ECF No. 199 (J.P.M.L Aug. 3, 2022); *see also Appen Media Group, Inc. v. Google LLC*, No. 1:22-cv-09810 (S.D.N.Y.).

³ On October 5, 2022, the U.S. Judicial Panel on Multidistrict Litigation ("MDL Panel") issued CTO No. 9 to this Court (MDL No. 3010, ECF 206) regarding *Inform, Inc. v. Google LLC*, No. 1:19-cv-05362 (N.D. Ga.). Google has now sought to vacate CTO No. 9. Should the MDL Panel uphold CTO No. 9, Plaintiff Inform, Inc. will similarly seek to amend its operative complaint pursuant to this Court's orders.

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If leave is granted, Appen Media will be added as a plaintiff to the proposed amended complaint, which would be supplemented to include the following allegations:

Y. APPEN MEDIA GROUP

119. Plaintiff Appen Media Group (“Appen Media”) is a Georgia corporation with its principal office address at 319 North Main Street, Alpharetta, Georgia, 30009.

120. Appen Media owns and operates several newspapers in the state of Georgia. Appen Media publishes Alpharetta-Roswell Herald (Fulton County); Johns Creek Herald (Fulton County); Forsyth Herald (Forsyth County); Milton Herald (Fulton County); and Dunwoody Crier (DeKalb County). Appen Media also sells digital advertising on its website domain, www.appenmedia.com. In addition to local newspapers, Appen Media’s assets include lifestyle magazines, websites, a network of podcasts, community guides, community events, event management, newsletters, custom publications, video content management and production, and full service brand development/creative design and production. Appen Media paid for and used Google’s digital publishing products, including Google Ad Manager.

121. Founded in 1990, Appen Media is family owned and operated, with a core focus on professionally produced local journalism – local news ranging from government, schools, business, and crime, to lifestyle news reporting and features.

122. Appen Media’s newspapers have strong roots in Georgia and the communities they serve and have won numerous awards from the Association of Free Community Papers, Independent Free Papers of America, Georgia Press Association, and Georgia Sports Writers Association.

123. Appen Media’s newspapers focus on local and community content and editorial quality. Appen Media’s newspapers provide an important and integral function of reporting and publishing news to the citizens of Georgia and the numerous communities they serve. Appen Media’s papers are a major – and in some instances the only – source of local and community news, information, and content for the citizens they serve.

Respectfully submitted,


DAVID W. MITCHELL

DWM:sll

cc: All counsel of Record via ECF